

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK**

**CHAMBERS OF THE
Honorable Margaret Cangilos-Ruiz
U.S. BANKRUPTCY JUDGE**

To: Barbara Dunleavy, Esq.
From: Chambers
Date: March 14, 2011

Re: Naiel K. Mere
Chapter 7: 10-32989
Default Motion at docket no. 8 – Motion for Relief from Stay

The court has reviewed your default motion in the above referenced case. **Do not submit a proposed order at this time.** The default motion* is deficient for one or more of the following reason(s) as noted:

- ☐ Service improper pursuant to Fed.R.Bankr.P. 7004(b)(3)
- ☐ Service improper pursuant to Fed.R.Bankr.P. 7004(h)
- ☐ Notice improper pursuant to Fed.R.Bankr.P. 2002(a)
- ☐ Notice improper pursuant to Fed.R.Bankr.P. 3007
- ☐ Failure to comply with L.B.R. 9013-1(e)
- ☐ Motion not served on required party
- ☒ Papers do not sufficiently establish movant's standing to bring motion.
Documents attached to the motion show that USAA Federal Savings Bank is holder of both the note and the mortgage pertaining to the property, not the movant US Bank, NA. Please provide evidence that the movant has standing with regard to both the mortgage and the note.
- ☐ 11 U.S.C. § 522(f) has been invoked, but Debtor has not claimed a homestead exemption on Schedule C
- ☐ Other:

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CLERK OF THE
BANKRUPTCY COURT
N.D. OF NY
SYRACUSE

FILED

***If this memorandum was sent due to a service issue, you will need to re-serve the motion, file and serve an amended notice of hearing specifying a new hearing date, and file proof of such service.**